

#4

60130-1308
99MRA0087/0246

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Evans, et al
Serial No.: 10/030024
Filed: December 31, 2001
Priority PCT/GB00/02540 Filed: June 30, 2000
GB 99 15432.0 Filed: July 1, 1999
Group Art Unit: Unknown
Examiner: Unknown
Title: LATCH ASSEMBLY

PETITION UNDER RULE 37 CFR 1.47(a)

Assistant Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

One of the joint-inventors of the above-referenced application, Mr. Mark Li, has refused to execute this application while another of the inventors, Mr. Michael Evans, has been unreachable after diligent effort. On behalf of the joint inventors, Mr. James Frost and Mr. Nigel Spurr, and the owner of this application, Meritor Light Vehicle Systems (UK) ("Meritor"), the undersigned is acting as their agent in this application, and is thus acting to submit this Petition in the place of the declarations of Mr. Li and Mr. Evans pursuant to 37 CFR 1.47(a).

The reasons for this action are set forth below.

With respect to Mr. Mark Li, Mr. Li was employed by Meritor, and under an obligation to assign inventions to Meritor. [See Letter offering employment as Project Leader, attached as **Exhibit A**]. Mr. Li has left Meritor. [See Declaration of Mr. John Jones, attached as **Exhibit B**]. Foreign counsel for Meritor, Mr. John Jones of Withers & Rogers, sent a draft of the above-referenced application, including declaration, to Mr. Li by mail on January 23, 2002 to his last known address at New Hampton Loft, Apt. 3, 91 Branstons Street, Birmingham, United Kingdom B18 6BF. [Exhibit B]. On February 4, 2002, Mr. Li called Mr. Jones at 12:05 pm at his office and informed him that he was in receipt of the letter and he would not be signing any of the documents. [Exhibit B].

With respect to Mr. Michael Evans, on January 23, 2002, Mr. Jones also sent Mr. Evans a letter enclosing a copy of the "Latch Assembly" patent application and declaration to his last known address at 124 Pottery Road, Warley, Birmingham, United Kingdom B68 9HB. The letter requested he review the application and execute the declaration. [Exhibit B]. On February 26, 2002, Mr. Jones sent out the same letter sent on January 23, 2002 stamped reminder with the same enclosure. [Exhibit B]. Mr. Evans is no longer employed at Meritor. [Exhibit B]. Mr. Jones received no response from Mr. Evans concerning his correspondence to him. [Exhibit B]. Mr. Jones is unreachable after making the foregoing diligent effort.

For the reasons set forth above, Meritor and the remaining joint-inventors submit that the filing of this application under Rule 37 CFR 1.47(a) is proper. Applicant asks that processing of this application now proceed.

A check in the amount of \$130.00 is enclosed. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

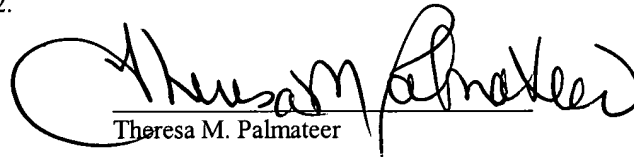


Anthony P. Cho
Registration No. 47,209
Attorneys for Applicant
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
(248) 988-8360

Dated: March 28, 2002

CERTIFICATE OF MAILING

I hereby certify that this Petition and accompanying documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Assistant Commissioner of Patents, Washington, D.C. 20231, on March 28, 2002.


Theresa M. Palmateer

N:\Clients\MERITOR\IP01308\Patent\Petition pursuant to CFR 1.47(a).doc

Our ref : Off/ML/Hay

26th October 1999

Private & Confidential

Mr M. Li
42 Warwick Crest
Arthur Road
Edgbaston

Dear Mark

Further to your recent discussions regarding your transfer to Birmingham, we are pleased to offer you the position of Project Leader.

The scope and responsibilities of the position are as defined during your interview and the main terms and conditions are as follows:

POSITION TITLE: Project Leader

REPORTING TO: David Birt – Product Engineering Manager

EFFECTIVE DATE: 1st October 1999

SALARY: Your commencing salary will be £32,500 per annum, Hay grade 8 and will be reviewed annually in December in accordance with the Personal Performance and Planning Appraisal Review (PPAR).

Your salary will be paid monthly in arrears on 28th day of each month by credit transfer directly into your bank or building society account.

A

HOURS OF WORK:

Your hours of work will be 07.30 am to 16.00 pm Monday to Thursday with 30 minutes lunch break each day and 07.30 am to 13.30 pm on Friday, no lunch break = 38 hours.

You will appreciate that you will be expected to be available outside normal working hours should the work load demand. Overtime is not payable to Hay scale employees.

HOLIDAYS:

The Company holiday year is 1 October - 30 September. The annual holiday entitlement is 26 days plus 8 statutory days making a total of 34 days. A copy of the provisional holiday list is enclosed. Holiday entitlement is calculated pro rate from your start date.

To meet the changing needs of our main customers you may be required to take your holidays to coincide with customer holiday arrangements.

PRIVATE MEDICAL HEALTH:

You, your partner and any children will be covered under our Health Care Plan. Although the benefit is provided at no cost to you, it is classed as a benefit in kind and is subject to Income Tax. A copy of the Medical Health Care Benefit Booklet is enclosed.

PENSION & LIFE INSURANCE:

You may if you wish, join the Meritor Automotive Pension Scheme which is contributory and contracted out. This also incorporates Life Insurance at four times basic annual salary. An explanatory booklet is enclosed.

NOTICE:

During any period of notice of termination of your employment contract, the Company is entitled to vary your duties or request you do not to attend your normal place of work (so - called " garden - leave" if it is in the interests of the Company. This will not however imply any changes to your entitlement.

PROBATIONARY PERIOD:

The first three months of your appointment in this position will be considered as a probationary period.

TRANSFER

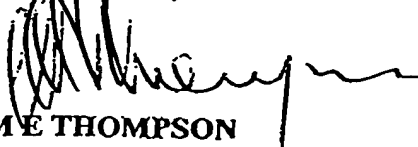
In transferring to Birmingham from Bracebridge any concessions or payments payable at present will cease with effect from the 1st October 1999.

11 FEB 1991 15:01 FROM: WITNESS/ROBERTS D. HUNT TO: CARLSON, GABRIEL P.08

We sincerely hope that you will found our offer of employment interesting and worthy of serious consideration.

In accepting our offer of employment may we take this opportunity to wish you every success in this position and it would be appreciated if you could please sign both copies of this letter and return the second copy to the Human Resources Department.

Yours sincerely



M.E THOMPSON
HUMAN RESOURCES MANAGER

I hereby accept the terms and conditions of employment as laid down above.

Signed..... Date.....

DECLARATION OF MR. JOHN JONES

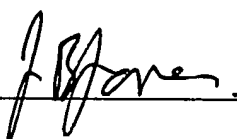
I, John Jones, state the following:

1. I am a patent attorney at Withers & Rogers, a British law firm and serve as United Kingdom patent counsel to Meritor Light Vehicle Systems (UK) Ltd.
2. On January 23, 2002, I sent Mr. Mark H. Li a letter enclosing a copy of a patent application and declaration, entitled "Latch Assembly", reference nos. 60,130-1308 and JBJ/P300192PCT, to Mr. Li's last known address at New Hampton Loft, Apt. 3, 91 Branstons Street, Birmingham, United Kingdom B18 6BF. A copy of this letter is attached.
3. On February 4, 2002, Mr. Mark Li called me at 12:05 pm at my office and informed me that he was in receipt of the letter I sent him and that he would not be signing any of the documents.
4. Mr. Li is no longer employed at Meritor Light Vehicle Systems (UK) Ltd.
5. On January 23, 2002, I also sent Mr. Michael Evans a letter enclosing a copy of the "Latch Assembly" patent application and declaration to his last known address at 124 Pottery Road, Warley, Birmingham, United Kingdom B68 9HB. The letter requested he execute the declaration. A copy of this letter is attached.
6. On February 26, 2002, I sent out the same letter sent on January 23, 2002 stamped reminder with the same enclosure. A copy of this letter is attached.
7. Mr. Evans is no longer employed at Meritor Light Vehicle Systems (UK) Ltd.
8. As of the date of my execution of this declaration, I have received no response from Mr. Evans concerning my correspondence to him.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on (date).

22 MARCH 2002
Date

John Jones 

WITHERS & ROGERSEUROPEAN & CHARTERED PATENT ATTORNEYS
TRADE MARK ATTORNEYS

75 Colmore Row, Birmingham B3 2AP

Tel: +44 (0)121 245 3900 Fax: +44 (0)121 245 3930

E-Mail: admin@withersrogers.com Web: www.withersrogers.com

Mr Mark H Li
Apartment 3
New Hampton Loft
91 Branston Street
Birmingham
B18 6BFOur Ref: P300192US-PCT/BJJ
P300382US/BJJ
P300117US-PCT/BJJ
P300111US-PCT/BJJ
Your Ref: 99MRA0087/0246
00MRA0372
99AUT241
99AUT240

23 January 2002

Dear Mr Li

**New US Patent Application
Meritor Light Vehicle Systems (UK) Ltd
Latch Assembly**

Firstly, I write to remind you that I have still have not yet received the duly executed Combined Declaration & Power of Attorney and Assignment documents sent to you in my letter of 11 December 2001, Meritor References 00MRA0372, 99AUT241, 99AUT240).

With regard to this particular case (copy of specification enclosed), you are one of the four inventors, and as such, in order to meet various formality requirements for the US Patent Office we require you to:-

- a) **Sign and date** the enclosed Combined Declaration & Power of Attorney,
- b) **Sign and date** the enclosed Assignment. Please also indicate where you are when you are signing the document, e.g. Birmingham

Please note that if any of the details are incorrect, I would be grateful if you could make an appropriate correction and **initial** any such corrections.

I enclose a stamped addressed envelope for your convenience.

Ref 11 (2002)

Partners: David Bannerman, Nicholas Wilson, Michael Blatchford, Adrian Chetle, Jeff Hogg, John Dean, Ben Dempster, Karl Barnfather, Simon Beck, Ivor Harrison, David Pratt, Mark Armitage*, Colin Jones, Howard Wright, David Croston, Andrew Murch*, John Jones

Consultant Partner: Peter Turner

* **MITMA.** All other partners C.P.A. & E.P.A.

Associates: Christopher Hey, Fiona McBride, Bana Nuseibeh, David Elsy, Adrian Tombling, Jackie Tolson, James Gray, Robert Sayer, Joetta Murphy, David Fry, Alex Duffield, Matthew Allen, Keith Tart, Laurel McBray, Callum Wardle, Matthew Gillard, Paul Foot,

Christopher Hamer, Nicholas Jones, Helen Cawley

Consultants: Michael Adkins, David Cowan

Administration: Sally Ledger, **Accounts:** Mary Sturgess, **Renewals:** David Ayres (Manager), Mary Downey

Translations: Rosemary Booth, **Searching:** Robin Webster, **EP Formalities:** Karen Austen

Also at Goldings House, 2 Hays Lane, London SE1 2HW Tel: +44 (0)20 7663 3500 Fax: +44 (0)20 7663 3550
60 Holly Walk, Leamington Spa, Warwickshire CV32 4JE Tel: +44 (0)1926 336111 Fax: +44 (0)1926 335519 and
1 Redcliff Street, Bristol BS1 6NP Tel: +44 (0)117 925 3030 Fax: +44 (0)117 925 3530

WITHERS  ROGERS

Page 2

Thank you in advance.

Yours sincerely



John B Jones

WITHERS & ROGERS

Encs : Combined Declaration & Power of Attorney
Assignment
Copy of specification
Stamped addressed envelope

WITHERS & ROGERS

EUROPEAN & CHARTERED PATENT ATTORNEYS
TRADE MARK ATTORNEYS

75 Colmore Row, Birmingham B3 2AP

Tel: +44 (0)121 245 3900 Fax: +44 (0)121 245 3930

E-Mail: admin@withersrogers.com Web: www.withersrogers.com

Mr Michael Evans
124 Pottery Road
Warley
West Midlands
Birmingham
B68 9HB

Our Ref: P300192US-PCT/JBJ
Your Ref: 99MRA0087/0246

23 January 2002

Dear Mr Evans

New US Patent Application
Meritor Light Vehicle Systems (UK) Ltd
Latch Assembly

Firstly, by way of introduction, we are the firm of Patent agents who work for Meritor Light Vehicle Systems (UK) Ltd.

With regard to this particular case (copy of specification enclosed), you are one of the four inventors, and as such, in order to meet various formality requirements for the US Patent Office we require you to:-

- a) **Sign and date** the enclosed Combined Declaration & Power of Attorney,
- b) **Sign and date** the enclosed Assignment. Please also indicate where you are when you are signing the document, e.g. Birmingham

Please note that if any of the details are incorrect, I would be grateful if you could make an appropriate correction **and initial** any such corrections.

I enclose a stamped addressed envelope for your convenience.

Ref 11 (2002)

Partners: David Bannerman, Nicholas Wilson, Michael Blatchford, Adrian Chettle, Jeff Hogg, John Dean, Ben Dempster, Karl Barnfather, Simon Beck, Ivor Harrison, David Pratt, Mark Armitage*, Colin Jones, Howard Wright, David Croston, Andrew Murch*, John Jones

Consultant Partner: Peter Turner

* *MITMA. All other partners C.P.A. & E.P.A.*

Associates: Christopher Hey, Fiona McBride, Bana Nuseibeh, David Elsy, Adrian Tombling, Jackie Tolson, James Gray, Robert Sayer, Joetta Murphy, David Fry, Alex Duffield, Matthew Allen, Keith Tart, Laurel McBray, Callum Wardle, Matthew Gillard, Paul Foot,

Christopher Hamer, Nicholas Jones, Helen Cawley

Consultants: Michael Adkins, David Cowan

Administration: Sally Ledger, **Accounts:** Mary Smuggess, **Renewals:** David Ayres (Manager), Mary Downey

Translations: Rosemary Booth, **Searching:** Robin Webster, **EP Formalities:** Karen Austen

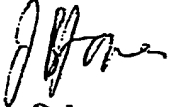
Also at Goldings House, 2 Hays Lane, London SE1 2HW Tel: +44 (0)20 7663 3500 Fax: +44 (0)20 7663 3550
60 Holly Walk, Leamington Spa, Warwickshire CV32 4JE Tel: +44 (0)1926 336111 Fax: +44 (0)1926 335519 and
1 Redcliff Street, Bristol BS1 6NP Tel: +44 (0)117 925 3030 Fax: +44 (0)117 925 3530

WITHERS & ROGERS

Page 2

Thank you in advance.

Yours sincerely



John B Jones

WITHERS & ROGERS

Encs : Combined Declaration & Power of Attorney
Assignment
Copy of specification
Stamped addressed envelope



WITHERS & ROGERS

EUROPEAN & CHARTERED PATENT ATTORNEYS
TRADE MARK ATTORNEYS

75 Colmore Row, Birmingham B3.
Tel: +44 (0)121 245 3900 Fax: +44 (0)121 245 3
E-Mail: admin@withersrogers.com Web: www.withersrogers.com

Mr Michael Evans
124 Pottery Road
Warley
West Midlands
Birmingham
B68 9HB

26/2/02

Our Ref: P300192US-PCT/JBJ
Your Ref: 99MRA0087/0246

23 January 2002

Dear Mr Evans

New US Patent Application
Meritor Light Vehicle Systems (UK) Ltd
Latch Assembly

Firstly, by way of introduction, we are the firm of Patent agents who work for Meritor Light Vehicle Systems (UK) Ltd.

With regard to this particular case (copy of specification enclosed), you are one of the four inventors, and as such, in order to meet various formality requirements for the US Patent Office we require you to:-

- Sign and date the enclosed Combined Declaration & Power of Attorney,**
- Sign and date the enclosed Assignment.** Please also indicate where you are when you are signing the document, e.g. Birmingham

Please note that if any of the details are incorrect, I would be grateful if you could make an appropriate correction and initial any such corrections.

I enclose a stamped addressed envelope for your convenience.

Ref. 11 (2002)

Partners: David Bannerman, Nicholas Wilson, Michael Blatchford, Adrian Chertle, Jeff Hogg, John Dean, Ben Dempster, Karl Barnfather, Simon Beck, Ivo Harrison, David Pratt, Mark Armitage*, Colin Jones, Howard Wright, David Croston, Andrew Murch*, John Jones

Consultant Partner: Peter Turner
* **MITMA.** All other partners C.P.A. & E.P.A.

Associates: Christopher Hey, Fiona McBride, Bana Nuscibeh, David Elsy, Adrian Tombling, Jackie Tolson, James Gray, Robert Sayer, Joceta Murphy, David Fry, Alex Duffield, Matthew Allen, Keith Tart, Laurel McBray, Callum Wardle, Matthew Gillard, Paul Foot

Consultants: Christopher Harner, Nicholas Jones, Helen Cawley
Consultants: Michael Adkins, David Cowan

Administration: Sally Ledger, **Accounts:** Mary Surgeon, **Renewals:** David Ayres (Manager), Mary Downey
Translations: Rosemary Booth, **Searching:** Robin Webster, **EP Formalities:** Karen Austen

Also at Goldings House, 2 Hays Lane, London SE1 2HW Tel: +44 (0)20 7663 3500 Fax: +44 (0)20 7663 3550
60 Holly Walk, Leamington Spa, Warwickshire CV32 4JE Tel: +44 (0)1926 336111 Fax: +44 (0)1926 335519 and
1 Redcliff Street, Bristol BS1 6NP Tel: +44 (0)117 926 3000 Fax: +44 (0)117 926 3001

WITHERS & ROGERS

Page 2

Thank you in advance.

Yours sincerely



John B Jones

WITHERS & ROGERS

Encs : Combined Declaration & Power of Attorney
Assignment
Copy of specification
Stamped addressed envelope